

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LAURA PATTON,

Plaintiff,

MEMORANDUM AND ORDER

-against-

CV 04-4635 (LDW) (AKT)

THOMPSON PROFESSIONAL &
REGULATORY, INC.,

Defendant.

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WEXLER, District Judge

Plaintiff Laura Patton brings this action against defendant Thompson Professional & Regulatory, Inc. for unpaid overtime due to her under the Fair Labor Standards Act, 29 U.S.C. § 201 et seq. Defendant moves, and plaintiff cross-moves, for summary judgment under Rule 56 of the Federal Rules of Civil Procedure.

Upon review of the parties' motion papers and supplemental letter submissions, this Court concludes that genuine issues of material fact exist, precluding the entry of summary judgment. See Fed. R. Civ. P. 56(c) (party seeking summary judgment must demonstrate that "there is no genuine issue of any material fact and that the moving party is entitled to a judgment as a matter of law"); Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986).

Accordingly, defendant's motion and plaintiff's cross-motion are denied. The Clerk of the Court is directed to terminate the motions. The parties are directed to contact Courtroom Deputy Josiah Kharjie to schedule the trial.

SO ORDERED.

LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
October 19, 2006